

REMARKS

Claims 1-5 are pending in this application.

As a formal matter, Applicant notes that the Examiner did not return an initialed Form PTO-1449 indicating that the references submitted with Applicant's IDS, filed March 16, 2001, have been considered. Accordingly, Applicant respectfully requests that the Examiner return the initialed Form PTO-1449 with the next Office correspondence.

Applicant amends claims 1-5 more positively to recite the method steps (claims 1-4) and a features (claim 5) of the invention. Applicant respectfully submits that these amendments are merely clarifying amendments and do not narrow the scope of the original claims. No estoppel is created.

The Examiner rejects:

- claims 1-5 under 35 U.S.C. § 112, second paragraph, as being indefinite;
 - claims 1 and 3-5 under 35 U.S.C. § 102(e) as being anticipated by Parmenter; and
 - claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Parmenter.
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With regard to the §112 rejection, Applicant respectfully submits that the amended claims 1-5 are in full compliance with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, the Examiner's rejection should be withdrawn

With regard to the Examiner's prior art rejections, Applicant respectfully traverses these rejections as follows.

Referring to the Examiner's §102 rejection, Parmenter provides "a method and system for dynamically adjusting the output power level in each channel of a multichannel mobile

cellular to satellite telecommunication system” (see Id. col. 5, lines 44-65, emphasis added). In particular, Parmenter discloses:

mobile cellular to SatCom system 200 ... including satellite telecommunication unit 210 ... [and] ... a control processor 212 operating software that dynamically adjusts the output power of each channel of multichannel mobile cellular to SatCom system 200. ... Control processor 212 is configured having multiple input channels coupled to receive inputs from one or more of telephone handsets 116 and data ports 118 of communication equipment 114, as shown in FIG. 1. Processor 212 also preferably includes multiple output channels, each one coupled to each one of multiple radio channel units 214. Satellite telecommunication unit 210 further includes multiple radio channel units 214, each having a transmitter that transmits at a variable output power level depending upon the type of assigned communication, i.e., voice or data. The transmitter output power of each radio channel unit 214 is output to combiner 218, which outputs the combined transmitter output power to high power amplifier 106 for amplifying signals received from satellite telecommunications unit 210 and transmitting the amplified signals to antenna 108 for transmission to a satellite network. (Id., col. 5, line 66 through col. 6, line 26)

In contrast to Parmenter, which discloses an algorithm for adjusting output power of each ~~channel in a transmission from mobile cellular sources, such as “sources onboard the aircraft”,~~ “to the satellite constellation for relay to the ground” (see Id., col. 1, lines 27-33, emphasis added), Applicant’s claimed invention recites a method and system for “transmission from the base station to the mobile station” (claims 1 and 5). That is Parmenter does not disclose power control of transmission from **a base station to a mobile station**. Instead, Parmenter discloses power control of transmission from a mobile station to a satellite.

Thus, Parmenter does not disclose a power control algorithm for transmission from the base station to the mobile station where the power levels of the services (S1, S2) are limited by individual minimum and maximum values (MIN1, MIN2, MAX1, MAX2), as recited in

Applicant's independent claims 1 and 5. Accordingly, claims 1 and 5, as well as the dependent claims 3 and 4 (which incorporate the features of their base claim 1), are not anticipated by (i.e., not readable on) Parmenter for this reason.

Furthermore, with regard to the Examiner's §103 rejection of the dependent claim 2, Parmenter does not teach or suggest the above-noted feature of its base claim 1. Therefore, claim 2 would not have been obvious from Parmenter at least for the above-noted reason with respect to claim 1.

Finally, in order to facilitate the Examiner's understanding of the differences between Applicant's claimed invention and Parmenter, Applicant respectfully submits the following additional technical analysis.

At the outset, Applicant notes that, contrary to the Examiner's analysis, the system disclosed by Parmenter does not include a base station communicating with at least one mobile station. That is, in Parmenter, if assuming, *arguendo*, equipment 100 as a whole is regarded as a mobile station (it is located inside an aircraft), then the satellite to which equipment 100 transmits signals cannot be considered as a base station. At col. 1, lines 42 to 48, Parmenter describes the function of its satellite, which is to relay to the ground the signals sent to the satellite by the equipment 100 (mobile station). Applicant respectfully submits that one skilled in the art of cellular telecommunication would readily appreciate that such a satellite never functions as a base station with regard to signal transmission including power control. Instead, such a satellite simply receives signals from the mobile station, transponds these signals to other frequencies, and relays these signals to the ground station.

One of ordinary skill in the art of cellular telecommunication would readily appreciate that, in Parmenter, the carriers to be sent from the equipment 100 to the satellite from all active radio channel units 110 shall always have the highest power that is possible. The “highest power possible” means that a combined output power of the active transmission channels will not violate the integrity of the amplifier 106 (see Parmenter, col. 8 lines 6-9, 24 and 25). In other words, according to Parmenter, the power of the individual channels shall be as high as possible, and just a little lower than a power that would damage the power amplifier 106. For that purpose, in Parmenter the output power of each transmission channel is dynamically adjusted as a function of the number of active data and voice transmission channels (see *Id.*, col. 4, lines 35-44). Thus, in Parmenter, as long as the number of voice channels and the number of data channels remain constant, the output power of each of the active data channels and voice channels does not change (see *Id.*, col. 2 lines 64 and 65, stating that a transmitter of a radio channel transmits at a fixed power level).

In contradistinction to Parmenter, according to Applicant’s claimed invention, signal transmission from the base station to mobile stations does not require fixed power levels. That is, Applicant’s independent claims 1 and 5 explicitly recite increasing or decreasing the power levels based on a transmission power control loop (see *Id.*). Applicant respectfully submits that one of ordinary skill in the art of cellular telecommunication would readily appreciate that the power control loop, as claimed in claims 1 and 5, allows the transmit power from the base station to mobile stations to be kept as low as possible in order to reduce the mutual interference between signals addressed to different mobile stations.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln No. 09/809,288

Atty Dkt. No. Q63443

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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